

SUMMARY OF PRELIMINARY REPORT

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REGIONAL OCEAN COASTLINE PLAN FOR THE SAN FRANCISCO BAY AREA

PHASE II

A Report Prepared By

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For the

ASSOCIATION OF BAY AREA GOVERNMENTS

Rudolph R. Platzek, Planning Director
William H. Liskamm, Project Manager

July, 1972

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RECOMMENDATIONS FOR THE
SAN FRANCISCO BAY AREA
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INTRODUCTION

A growing regional concern is permanent protection and enhancement of the Bay Region Coastline's natural and scenic resources and prevention of activities degrading or destroying elements integral to coastal character. The failure to meet this need, compounded by the innate scarcity of coastal resources, has produced noticeable symptoms of decline.

There is a broad range of opinion regarding the relationship of the coastal area to the balance of the region and its desirable future. Debate regarding future use and appropriate types and intensities of development generally reflects the classic conservation vs. development polarity. This plan for the coastal area uses a regional perspective as the proper one by which to reconcile these competing demands. It is at the regional level that the planning needs and interests of all government levels, as well as all segments of the public may be addressed most effectively.

The underlying goals which provide the basis for this planning study include the following: 1) The principal physical assets of the coastal area have an integrity which must be maintained to maximize social, economic and environmental values; 2) Urbanization and utilization of the coast should not diminish coastal natural assets or their integrity; and 3) The coastal area must be rationally planned and managed to protect human and natural values and to incorporate, direct and monitor factors that influence the success of that effort.

The planning approach reflects three basic premises. The first is that the existing and future use of natural resources, recreation resources, scenic resources, and unique agricultural lands involve decisions which should not be made solely by local government, whether these be counties, municipalities or special-purpose agencies, such as utility districts. Many decisions as to the use and future of these finite and perishable resources must rest with the region, the State and, in some cases, the Nation, although many decisions also can be made best by local government.

The second premise is that the plan can begin to be implemented now by existing governments within present legal and administrative limits, using a regional policy framework. However, to ensure improved coordination and

The purpose of this study is to examine the impact of the 1994 North American Free Trade Agreement (NAFTA) on the Mexican economy. The study is based on a review of the literature and a series of interviews with Mexican officials. The findings suggest that NAFTA has had a positive impact on the Mexican economy, particularly in the areas of trade and investment. However, there are still some challenges that need to be addressed, such as the need for further reforms in the areas of labor and environmental protection.

The study is organized as follows. Chapter 1 provides an overview of the Mexican economy and the impact of NAFTA. Chapter 2 discusses the impact of NAFTA on trade and investment. Chapter 3 examines the impact of NAFTA on labor and environmental protection. Chapter 4 concludes the study and provides some recommendations for future research. The study is based on a review of the literature and a series of interviews with Mexican officials. The findings suggest that NAFTA has had a positive impact on the Mexican economy, particularly in the areas of trade and investment. However, there are still some challenges that need to be addressed, such as the need for further reforms in the areas of labor and environmental protection.

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consistency, changes should be made in present powers and responsibilities. Accordingly, the proposals here set forth many new implementation methods and powers, and indicate where existing jurisdiction or powers should be extended.

The third premise is that coastal planning must be directed toward correcting deficiencies in the market-oriented land allocation system, as it exists today. To do so, it is necessary to alter public decision-making which may be encouraging private actions at variance with sound coastal planning policy. It will be necessary to ensure that many "costs" of development not now considered by the private market and passed on to the public, such as pollution and degradation of natural resources, are fully accounted for in decision-making. Public uses unable to bid effectively for land or water areas through the private market system also must be made able to compete for needed sites. Finally, public improvement actions should avoid unnecessarily inflating land values which militate against retention and use of natural resources and open space in the coastal area.

These premises suggest that the plan contain a hierarchy of policies, starting with the dual aims of conserving natural resources of the coastal area, especially those unique to the area, and utilizing coastal lands and waters to produce maximum benefits for existing and future populations. These policies are supported by a system for administering and regulating public and private actions in the coastal area in accordance with these policies.

The Plan sets forth a General Policy Framework promoting overall goals relating to conservation, environmental quality, open space, development and urbanization, and resource utilization. The aims of the general policy framework are translated into locationally-specific regional and local general Locational Policies. The Plan incorporates overall Supporting Policies and Strategies which recognizes that effective planning in the coastal area, as well as elsewhere, must rely upon: a) effective control over public improvement actions which affect land values and serve as catalysts for private development; b) regulation of use of land and water areas and development in these areas; and c) public acquisition and management. Proposed institutional changes are identified in the concluding portion of the Plan.

EXISTING CONDITIONS

The survey and description of conditions documents the uniqueness of certain areas of confluence of natural processes and features. It is this meeting, not only of land and sea, but also the interrelationships of the hydrologic system, geology and the marine climate that, in part, justifies the special attention given to the coastal area in this and other studies. The elements which define the character of the coastal area - the land and water forms, marine life, wildlife, and vegetation - may individually occur elsewhere. However, nowhere do they achieve the variety, configuration, and combination which appear within the coastal area.

A summary of the most critical problems facing the Bay Region Coastline includes the following: increasing residential developments which are poorly located and sited and which are consumers of large amounts of coastal land; limitation of public visual and physical access to the coastline by intervening private and public ownership and development; location of utility, commercial and manufacturing uses which are not dependent on a coastal location; water pollution; inadequate public and private recreational opportunities; conversion of open space, including agricultural uses and grazing and wildlife habitats, to other uses; degradation of areas with special natural historic or scenic values; and construction on areas of high hazard to public safety.

Development of the coastal environment appears systematically destructive, but actually is both haphazard and ordered. Several factors contribute to this anomalous situation. The most important of these are governmental structure, the market land allocation system, and public investments in services. These create small "universes" in which decisions may appear locally consistent but are regionally inconsistent.

At present, there is no coherent planning and management structure that systematically reviews and coordinates the full range of current and future interests in the region's coastal area. In the past, local planning and development efforts were predominately urban-oriented, with local governments, the stewards of coastal resources, typically seeking larger tax bases.

THE HISTORY OF THE

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In the early days of the world, the first humans were small and primitive, living in simple huts and hunting for their food. Over time, they developed more advanced tools and techniques, and their societies grew in complexity. The invention of agriculture marked a turning point in human history, allowing people to settle in one place and produce their own food. This led to the formation of permanent settlements and the development of civilization. The rise of the great empires and the spread of religion and philosophy shaped the course of human history, leaving a lasting legacy on the world we live in today.

The history of the world is a story of triumph and tragedy, of hope and despair. It is a story that has shaped the course of human civilization and that continues to influence our lives today. The study of history is a journey that takes us to the heart of the human experience, allowing us to see the world from a different perspective and to gain a deeper understanding of ourselves and the world around us.

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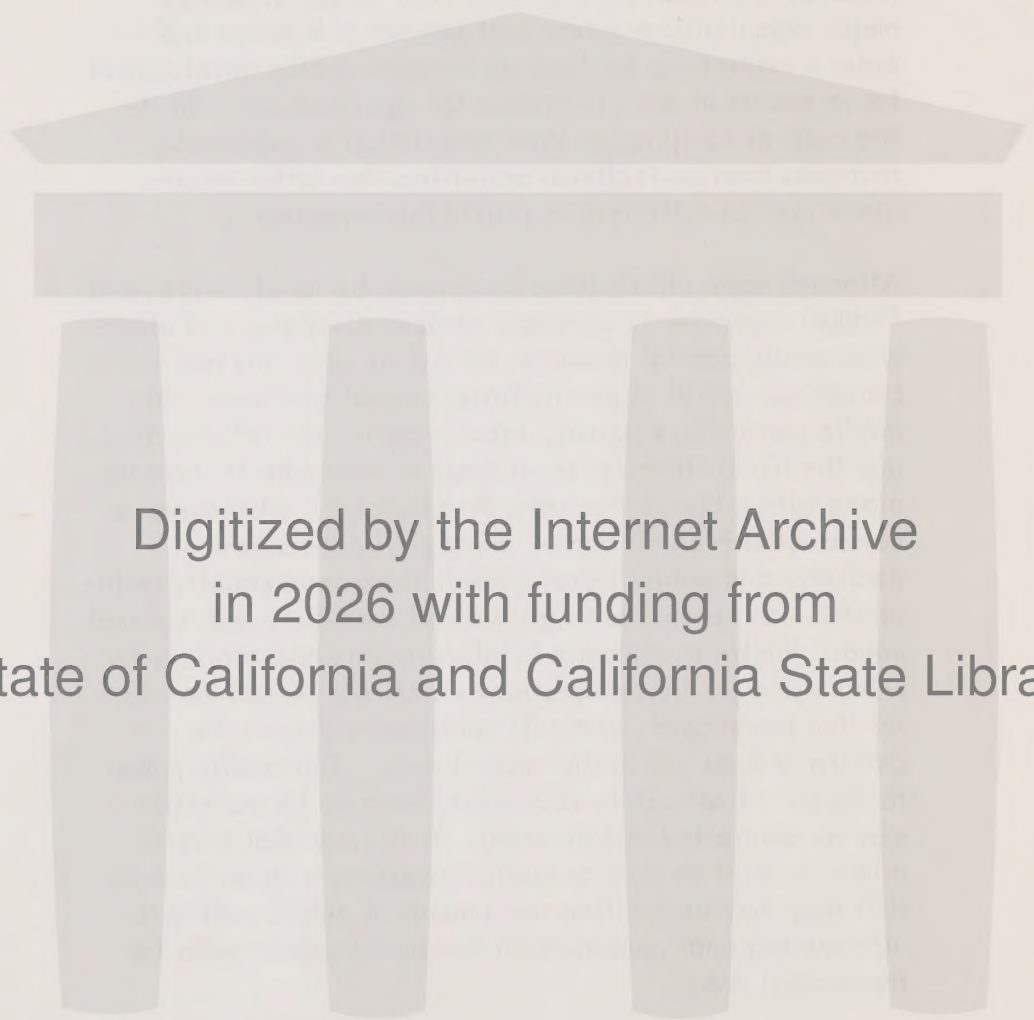
Preferential tax assessment has not controlled market values to the point that lands can be acquired for purely agricultural purposes. For example, it is generally acknowledged that it is impossible to justify buying land for grazing. Much of the land in the coastal area is now owned by major organizations whose past pattern of business indicates a preference for land subdivision and/or development far in excess of any preference for agri-business. While the costs of carrying on land speculation is reduced by revenues from agricultural activities, the latter returns alone are not sufficient to justify the investment.

Although some efforts have been made by local, State, and Federal agencies to purchase lands and waters, and otherwise secure coastal resources for public use, this has not proven successful in ameliorating coastal problems. As public ownership expands, local property tax rolls decline, and the fiscal strain on local coastal governments increase along with a hunger for more development. Moreover, as conservationists will agree, many public management decisions and public developments have been equally as insensitive to coastal settings, coastal neighbors and regional needs. Public investments in infrastructure and services for private and public development constitute the primary factor that has shaped, and will continue to shape, the pattern of land use in the coastal area. This public power to create infrastructure is crucial, because its activities may be controlled and directed. It is clear that careful attention must be paid to public investments in services so that they may be positive instruments of public policy to achieve regional conservation and development goals for the coastal area.

GENERAL POLICY FRAMEWORK

The ultimate goal of coastal planning is to promote rational and compatible use of coastal resources. This goal is similar to many definitions of conservation - promoting a "sustained yield" from the land, and maximizing future options. It follows that misuse, excessive intensity of use, waste, and degradation of any coastal resource should be avoided.

The primary goal of the coastal element of the regional plan must be to ensure conservation and enhancement of this unusual set of resources for use and enjoyment of pre-



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sent and succeeding generations. Conservation policies identify elements critical to the coastal environment and suggest administrative practices essential for their conservation. Limited coastal resources must be retained to ensure the continued substantial economic, social, and environmental benefits which the region now derives from them. This implies planned management of basic natural resources to prevent their exploitation, neglect, or elimination. Concern for the coastal environment must consider current and potential uses and activities, and must recognize that any use may have both a positive and a negative impact. Overall, no use of any coastal resource should be allowed which damages or degrades that resource or which negatively effects coastal character.

The majority of the benefits now derived from the coastal area rely in large part on its open character, the variety of amenities and accompanying sensory experiences. Maintenance of the quality as well as the quantity of this land is one of the most significant policy recommendations and must be aggressively applied. The retention and enhancement of the existing open space of the coastal area is a positive means for retaining the high levels of quantity and quality of coastal resources, while at the same time retaining maximum options for future use of the coastal zone and its resources.

Overall, policies for urbanization and development must identify and define the relationship between an activity and its subsequent location. The basic element and cause for concern within this relationship is the impact which a use or activity may cause or encourage within a specific locale. The pre-eminent recommended urbanization and development policy is that urban uses be directed to appropriate existing and potential urban centers and that they strengthen the desired pattern and character of regional development. Conversely, an activity whose location and intensity is not consistent with this policy should be excluded.

The multiple use of open space lands should be maximized to promote the conservation of land resources and to increase habitat and public safety and recreation, scenic, and resource utilization benefits. The interrelationship of these uses should preclude the diminution of one use or activity by another.

LOCATIONAL POLICIES

Two types of locational policies are presented, each a translation of the General Policy Framework into policies directly applicable to various coastal areas. First, the open space policies recommend retention of identified lands and water in one or more open space uses. The mapped open space areas include those areas having: 1) specific open space values to be protected and utilized in a manner consistent with their value; or 2) severe hazards to structural development.

The Growth and Non-Growth designations serve two purposes: 1) to provide the basis for broad land use zoning; and 2) to serve in the review and regulation of public and quasi-public and private development and facility improvement programs. Thus, these designations provide a key policy base for whatever agency or level of government is assigned responsibility for coastal area planning and development review.

It is not intended that development occur throughout Growth Areas irrespective of open space values shown. Rather, growth must only be allowed which respects and is generally compatible with these values. Similarly, within designated Non-Growth Areas, limited development may be permitted where it directly relates to, and is compatible with, recommended uses of the open land, or where the development, although not directly related to open space values, provides the best means for safeguarding these values.

Non-Growth Areas are indicated where open space values have been documented and where open space is to remain the principal and predominant use. Some development may be allowed if it respects coastal character and reflects environmental policies.

SUPPORTING POLICIES AND STRATEGIES

The three recommended implementation approaches are consolidated into an overall and mutually supportive strategy; full use and coordination of all three following approaches are essential to realization of planning objectives for the coastal area.

CONSTITUTIONAL POLICY

The report is divided into three main parts. The first part is a general introduction to the subject of constitutional policy. The second part is a detailed examination of the various constitutional issues which have arisen in recent years. The third part is a summary of the main findings of the report and a number of recommendations for the future.

The first part of the report is a general introduction to the subject of constitutional policy. It deals with the basic principles of constitutional law and the role of the courts in the interpretation of the constitution. It also discusses the various constitutional issues which have arisen in recent years and the role of the courts in dealing with these issues.

The second part of the report is a detailed examination of the various constitutional issues which have arisen in recent years. It deals with the issues of federalism, the separation of powers, the rights of the individual, and the role of the courts. It also discusses the various constitutional issues which have arisen in recent years and the role of the courts in dealing with these issues.

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CONSTITUTIONAL POLICY AND THE COURTS

The main purpose of this report is to examine the role of the courts in the interpretation of the constitution. It deals with the various constitutional issues which have arisen in recent years and the role of the courts in dealing with these issues. It also discusses the various constitutional issues which have arisen in recent years and the role of the courts in dealing with these issues.

1. Directing development away from Non-Growth Areas and areas of high open space value or high hazard through adoption of Public Facilities Policies regarding allowable levels of accessibility and public services permitted commensurate with growth allocations set forth in the Growth/Non-Growth Policies, including reasonable recreation travel needs. These policies would provide the basis for existing federal, state and regional reviews, and proposed enlargement of power over public work extensions.
2. Regulatory powers over land use, landscape alteration, and land development; and
3. Acquisition policies governing areas recommended for exclusive public recreation or open space, for which reliance solely on regulation is inappropriate or infeasible.

Defined maximum levels of accessibility to, from, and within the coastal area must be a positive instrument of public policy to influence land use decisions which reflect established open space and growth policies. Appropriate relative levels of accessibility have been recommended and mapped. Existing levels of accessibility have been accepted as they occur, and there is no policy recommended for reducing such levels. However, there may be a necessary reduction in the present degree of dependency upon the private automobile as the primary means of transport in coastal areas.

Because increases in accessibility are allowable to better serve public recreation use of the coastal area, capacity limitations on the other prime requisites of large scale development - water supply and sanitary sewer services - also must be instituted. The recommended service capacities and the areal extent conform to the intent of the Growth/Non-Growth Policies, and the maximum allowable capacities, where indicated, are directly related to the respective maximum allowable levels of development.

To accomplish the general policies of the Coastal Area Plan will require heavy reliance on regulation over use and development of private lands. These powers should be shared by local governments and an area-wide planning body which is regional in scope and perspective. Regional controls

would involve the minimal requirements necessary to protect regional interests. Local bodies would retain authority to impose more stringent conditions, and in some areas to exercise paramount control. The proposed review process involves examination of two basic factors: 1) the degree of dependency of proposed uses and activities on coastal area resources; and 2) the impacts of effects, direct and indirect, generated by the proposed use or activity.

Within this Primary Coastal Area, the regional agency should share responsibility with the local government, other regional agencies and the State, to assure that: 1) proposed uses are coastal-dependent; 2) land alteration, construction or performance of the activity related to the specific use do not cause adverse physical impacts; 3) land alteration and the siting and design of structures respect scenic attributes of the coastal area and the need for public access to recreation resources of the coastline; and 4) proposed uses, land alteration, and construction are consistent with other relevant policies established in the Regional Ocean Coastline Plan.

It is proposed that the regional body exercise mandatory review and approval of all applications which are within the Non-Growth Areas. (Within the Growth Areas, mandatory review and approval by the regional body also would be required under certain conditions.)

Within the Secondary Coastal Area, the regional body's responsibility, related to coastal planning policies and issues, would be limited to regulating physical impacts resulting from uses of land which could adversely affect coastal natural resources. Decisions as to the specific use of the land would rest with local government or be determined by other regional policies. It is proposed that the regional body, in cooperation with other special-purpose regional agencies, adopt mandatory performance standards and criteria for inclusion in local ordinances.

To assist in determining potential impacts, a set of criteria is set forth for interim use. They are derived from the General Policy Framework, and intended only to be used in conjunction with such policies and the general Locational Policies described previously. The interim review criteria are organized into the following general types of

impacts upon the coastal area which might accompany or result from a use or development decision: 1) physical impacts; 2) sensory impacts; 3) fiscal impact; and 4) growth effects.

The primary basis for determining where public benefits may be secured (rather than where hazards might be prevented), the normal legal basis for use of acquisition powers, including eminent domain, is the Open Space Policies Map. It is recommended that an ocean coastline agency be empowered to exercise powers of acquisition, including purchase, eminent domain, and acquisition of less-than-fee interests. Initial acquisition costs could be high, and it may be necessary to borrow funds or to tax.

ECONOMIC IMPLICATIONS

The policies that are recommended for the coastal area will have profound economic impacts on coastal landowners, on the public agencies that serve the coastal area and on the citizens of the region-at-large. Some of these implications can be estimated on the basis of the policy statements themselves; others can only be suggested because the magnitude of the impact will depend on the specific land area involved and, in many cases, on the specific circumstances of the landowner.

While over 128,000 acres of the primary coastal area are level enough for development, the plan excludes acreages which would conflict with stated goals. Of this total acreage, about 75 percent involves either environmental hazards, conflict with recreational usage, conflict with specialty agriculture, or elimination of a natural habitat. Hence, less than 32,000 acres is both developable and outside an area of potential conflict with high open space values or severe hazards to public safety.

A policy of disallowing first homes within the coastal zone is theoretically feasible and would have no overwhelming adverse economic impact.

An estimated demand for second homes that includes not only those who clearly have the financial capacity to build, once they buy a lot, is significantly in excess of the supply that would be permitted by development policies. Without intervention in the market, the plan will have the effect of allowing only the most affluent to own land and recreational

homes along the coast, and probably to rent as well.

Agriculture is an economic use if land is dedicated permanently to such use and if assessed values reflect only agricultural returns. The very factors that work against continued agricultural land uses in the face of an unregulated appetite for land development, work to preserve a role for agriculture if a more rational set of land use policies is adopted for the coastal area.

The General Policy Framework does not expressly prohibit industry from the coastal area. However, the statements regarding dependency as a coastal location criterion, in combination with the recommended interim review criteria, would create a situation in which few industrial uses could be permitted in their present forms. It is impossible to forecast the impact of those conditions generally; they will be dependent upon the specific industry affected.

With all of the variables related to specific sites and to specific development proposals, it can be extremely misleading to generalize about public costs of development compared to total public revenues derived because of development. Hence, it is recommended that future decisions about specific proposed uses of the coastal area be made only after a careful assessment of the full range of costs and impacts that will result from a development project.

INSTITUTIONAL CHANGES

It is believed that there is some role in planning for the California coastline for all four levels of government - the State, one or more regional commissions, the counties, and the scattered municipalities on the coastline. Once the federal government has more clearly enunciated its interest, doubtless it too will play a role as well.

It is proposed that the regional agency designated to carry out the Regional Ocean Coastline Plan Element of the Regional Plan be granted the power of regulation. This power is proposed to be shared with local governments, both in terms of use or area focus of regulation (i.e., agriculture, geological hazard areas, etc.) and in terms of procedural review of aspects of developments (i.e., regulation of use, siting, impact, etc.)

Whatever agency is delegated responsibility for the coastal area, it must exercise appropriate controls so that important

areas of regional open space are conserved and urbanization is confined to specified areas. Within the areas designated for appropriate coastal-dependent activities, the regional agency should exercise controls to ensure that only those uses are allowed. However, given the major policy areas of open space and conservation, urbanization and environmental pollution, the regional agency would have the paramount, but not the sole role.

Various organizational alternatives are possible.

An independent Ocean Coastline Agency would be able to exercise influence over coastal planning primarily through its planning and regulatory powers. It could regulate, acquire interests in land, and through related review and planning assistance, otherwise influence coastal development.

A Consolidated Regional Government seems ideal in many ways. It could adequately develop financial resources. It would have both the incentive and the authority to place the Coastline Plan in the context of a larger regional plan and in other ways coordinate acquisition, development, and operation of programs of different regional units to support Coastline Plan policies. A Consolidated Regional Government could coordinate inland development with Coastline programs. The activities of the regional legislature would attract wide public attention to regional issues.

A Limited Regional, or "Umbrella", Agency, containing a coastal agency, would combine advantages of a separate Ocean Coastline Agency with those of a Consolidated Regional Government. The constituent Coastline Agency would retain initiative over coastal planning policies. At the same time, it would have a definite mechanism for securing coordination, airing and settling conflicts, and facilitating adjustments with programs of other agencies.

Analysis of the three alternatives has suggested that the alternatives, moving from a Coastline Agency to a Limited Regional Agency to a Consolidated Regional Government, increasingly satisfy the coastal planning goals. In the absence of considerations of political acceptability, then, the Consolidated Regional Government is recommended. However, in the absence of political acceptability an "Umbrella", (or possibly expansion and modification of ABAG) arrangement may be necessary. Finally, a separate coastline agency may be necessary as an interim measure.

A basic premise reflected in the accessibility and service level policies is that control over highways and sewer and water facilities means control over growth. To achieve this will mean that two kinds of agencies which now undertake their own functional planning must be brought more directly within the planning process - the District Office of the Division of Highways and the Local Agency Formation Commissions of each County. It is recommended that in the coastal area, any proposal for development of a highway improvement be reviewed for conformity with the Regional Ocean Coastline Plan. To facilitate this process, it is proposed that a joint meeting of Local Agency Formation Commissions and the staffs of the coastal counties be held, with the Planning Commissions and staffs. This will start the process of adopting guidelines for review of new agency formations and annexations, as these relate to emerging and, ultimately adopted, coastline policy.

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